

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5218 of 1998

with

SPECIAL CIVIL APPLICATION No 8610 of 1997

with

SPECIAL CIVIL APPLICATION No 8193 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1-2 Yes 3 to 5 No

PANDEY RAMESHKUMAR SHIVRAM

Versus

STATE OF GUJARAT

Appearance: Special Civil Application No. 5218 of 1998

MR HAROOBHAI M. MEHTA, SR. ADVOCATE WITH MR. DEVANG
T SHAH for Petitioners
MR. P.G. DESAI, G.P. for respondent No. 1
MR KIRIT I PATEL for Respondent No. 2
MR AD OZA for Respondent No. 3

Special Civil Application No. 8610 of 1997

MR KB PUJARA for Petitioners

MR ANANT S DAVE for respondent No. 1
MS. HARSHA DEVANI, AGP, for Respondent No. 3, 4

Special Civil Application No 8193 of 1997

MR HM PARIKH for Petitioners
MR RA MISHRA for Respondent No. 1
MR ANANT S DAVE for Respondent No. 2
MS. HARSHA DEVANI, AGP, for respondent No. 4

CORAM : MR.JUSTICE N.N.MATHUR
Date of decision: 13/08/98

JUDGEMENT

In this group of Special Civil Applications petitioners are persons qualified to be appointed as Primary School Teachers, having minimum qualification of P.T.C. Most of them have been selected as teacher (under different Schemes) during the period 1989 to 1998 but they still continue to be in category of unemployed P.T.C. pass. In spite of the Government repeated ritual expression of its Constitutional obligation to secure development and expansion of Primary Education, the Educational scenario in the State reveals :-

- (a) Low retention and high drop out rates at the school level
- (b) The backlog of illiterate in absolute terms keeps on increasing
- (c) Educational facilities are mostly being taken advantage of by middle and upper class
- (d) Increase of large number of vacancies every year in Primary Schools on the one hand and unemployment problem of PTC pass teachers on the other hand.

MISMANAGEMENT AND INTRODUCTION OF SCHEMES:

2. Executive Mismanagement at all level in the field of Primary Schools has shifted the school teachers to court rooms. In some corners it is said judiciary is also responsible to certain extent because of frequent interventions by interim orders and not giving finality to even vital issues expeditiously. Though the common prayer of the majority of petitioners in these group of Special Civil Applications is appointment under 'Balguru Scheme' or 'Vidhya Sahayak Scheme' but the same has been made on the plank of challenge to the said schemes.

Impugned "Balguru Scheme" has been introduced by the State of Gujarat vide Resolution dated 30.4.1997. This Scheme has been replaced by another impugned Scheme known as 'Vidhya Sahayak' introduced by the Government Resolution dated 11.6.1998.

MAIN CRITICISM:

3. The main criticism against both the schemes is that they are in violation of statutory provisions of the Bombay Primary Education Act which casts a duty on the State Government to appoint Primary Teachers. The Scheme deprives entitlement of the prospects of such of the persons who having been selected by Regular Selection Board and awaiting appointment being on the select list against the existing vacancy of their year of selection and also against future vacancies. The Scheme provides for half paid teachers inasmuch as, that the regular pay scale of Rs. 4000-6000 (trained matric and graduates CBA) or Rs. 3500-4500 (untrained teachers) has been substituted by consolidated pay of Rs. 2000/- in Balguru Scheme and Rs. 2500 under the Vidya Sahayak Scheme including allowance. These schemes are nothing but exploitation of teaching workers and as such in violation of Articles 14 and 16 of the Constitution of India.

4. The general complaint against the 'Balguru Scheme' is the erratic manner in which it has been implemented leading to violation of Article 16 of the Constitution of India. The advertisement does not clearly provide the basic information with respect to total number of vacancies, reservations and above all a confusion was created as to whether the selection at the Taluka was to be made only from the residents of the particular talukas for which the advertisement was issued? It is stated that in certain Talukas no appointment has been made of the candidates outside the taluka, following the interpretation of the Scheme given by Constitution functionaries under the State no less than the personalities like the Chief Minister and the Minister that only the residents of the taluka will be given appointment. So much so in number of districts applications of the candidates outside the taluka were not entertained. However, in certain talukas the appointments have been made of the persons outside the talukas to the prejudice of the local residents. The select list in Balguru Scheme has been prepared in disregard to judgement of the Supreme Court inasmuch as that in spite of individual higher merit of the candidates belonging to SEBC or SC candidates they have been considered only against the reserved quota. Another

complaint is that vacancies are sought to be filled in illegally by inter district transfer.

STATUTORY SCHEME - 1947

5. It is not in dispute that both the Schemes are non-statutory. The statutory Scheme of appointment of Primary School Teachers is contained in Bombay Primary Education Act, 1947 (hereinafter referred to as 'the Act of 1947'). The said Act has been enacted by the State with a view to discharge its Constitutional obligation to secure development and expansion of the Primary Education and as a follow up of the declared policy of the Government that universal free and compulsory education should be reached by definite programme of progressive expansion and for the development, expansion, management and control of the primary education. The Act provides for District School Board in each district and Municipal School Board for each area of authorised municipality. Each Board has control over the number of schools within the district or municipal area having power to grant aid to any approved school other than primary school maintained by the State Government or by a school board or by authorised municipality. Among various functions it is the duty of such Board to provide for the welfare of the children attending the primary schools and to maintain adequate number of primary schools and also to maintain adequate staff including teachers. Section 20 of the Act casts a duty on each District Board and the Municipal School Board to maintain adequate staff of Assistant Administrative Officers, Supervisors, Attendance Officers, Clerks, Primary School Teachers and inferior servants and other staff. Sub-clause (2) provides that the said staff shall receive their pay, allowances, gratuities and pension from primary education fund. Sub-section (3) provides that the rates of the pay and allowances and terms of employment in respect of the members of the staff maintained by district school board and the primary school teachers shall be maintained by the district board or authorised municipality as fixed from time to time by the State Government. Section 23 provides for the Staff Selection Committee, for authorised municipality and for district within the jurisdiction of the District Panchayat. The composition of the Committee is provided as follows:-

- (a) Education Inspector of the District or
any other officer designated by the
Director. In case of the municipality,

or the Chairman of the Municipal School

Board in the case of authorised
municipality

(b) Chairman of the Education Committee of a
district Panchayat in the case of a
district within the jurisdiction of such
panchayat,

(c) The Administrative Officer - Member
Secretary.

Rule 37 of the Bombay Primary Education Rules cast a duty on district school board or the authorised municipality to ensure pupil and teacher ratio is maintained. The rule provides that number of pupils on the roll of a class in-charge of the primary school teacher and if a teacher is in-charge of more than one class the total number of pupils on the roll of such class does not, save and except special circumstances, exceed 40 in any centre. The rule also cast a duty on every district board or authorised municipality to see that one extra primary school teacher in addition to ordinary class teachers in accordance with sub-Rule (1) if the number of pupils in a primary school exceeds 200, is provided.

PRIMARY EDUCATION IN STATE:

6. The State Government has also prescribed norms that every village having population of 200 should have a primary school from standard I to IV. There are 34,257 primary school in the State of Gujarat of which 29,410 are run by local bodies and 4847 by private management. There is noticeable retention and drop out rate in the last five years.

Year Retention rate Drop out rate

1993-94	55.37	44.63
1994-95	62.30	37.30
1995-96	58.79	41.21
1996-97	58.06	41.94
1997-98	57.36	42.64

A nation-wide survey has identified various reasons for drop-out and one of the reasons is large number of vacancies in the primary schools. It was found that in the last four years number of teachers recruited was much less than the number of teachers retiring every year leading to cumulation of vacancies. In view of this, a decision was taken in the year 1997 to fill up 15,000 vacancies under Balguru scheme. However, only

3743 Balgurus could be appointed for the reasons of court cases, political uncertainties and general elections to the State Assembly. Thus, the Government in the year 1998 introduced the Scheme of appointment of 'Vidya Sahayaks' to fill up 20,000 vacancies. The State Government propose to fill up all the vacancies by the end of September, 1998. The State Government claims to have made provisions of Rs.642.44 crores in the 9th Five Year Plan for the purpose of providing one school room per teacher. It is stated that there are shortages of 35495 class rooms. For the Financial Year 1997-98 the Government has provided 75.70 crores for construction of 6156 primary school rooms. There is saving of Rs. 45 crores from the previous year. Similar provisions has been made for the year 1998-99 making provision of Rs. 75.95 crores for construction of 6175 school rooms. The Government also proposes to involve non-Government agencies in the construction of school. A decision has been taken that wherever new schools rooms or new school is constructed separate toilets and urinals for boys and girls would also be provided. A separate allocation has been made to the tune of Rs. 8 crores in the current financial year for the repairs of the school building. With a view to improve the quality of education in the primary school minimum qualification for admission to primary school training college has been raised from Standard X to Standard XII. The curriculum for Primary Teachers Training College has been revised with the help of an Expert Committee. A massive programme for continuous in-service training of primary school teachers has been undertaken by the Government and has also introduced a programme for Joyful Learning in association with UNICEF. Nearly 30,000 primary school rooms of standard I were provided with Bal Mitra Varg with the help of financial contribution from State Government, UNICEF and the local community. Under this programme, the walls of class room are painted with colourful numerals, alphabets, pictures which are used as learning aids. It is also stated that the Government is also providing free text books to students belonging to SC, ST & OBC. Text books have been provided about 56 lakhs students in the current year for which a provision of Rs. 26 crores has been made. The State Government is also receiving assistance from Government of India for providing teaching learning materials, furniture and other items required by the school under the "Operation Blackboard Scheme." 12458 schools were covered in the 1st phase of Operation Blackboard during the year 1987-93. It incurred expenditure of Rs. 903.94 lakhs. The State of Gujarat is one of the pioneer State for providing Mid-day meals to primary school children. In the year

1997-98 more than 25 lakh children took advantage of this scheme on which expenditure of Rs. 76 crores was incurred.

BALGURU SCHEME - 1997

7. The Government vide Resolution dated 30.4.1997 with a view to meet with the problem of giving employment to PTC unemployed, evolved a Scheme known as "Balguru Scheme". The main features of which are as follows:-

- (i) It applies to schools managed by the panchayats, nagarpanchayats and Maha Nagarpalikas.
- (ii). Appointments to be made by the concerned gram/Nagar Panchayat or Panchayat Palika or Mahapalika
- (iii) Duration of appointment is five years
- (iv) Qualification - P.T.C.
- (v) Age 18 to 28 years

A. TALUKA LEVEL

- (vi). Selection by advertisement in the local newspaper at taluka level by a Committee, consisting of:-
 - (a) Taluka Development Officer convener
 - (b) Taluka Mamlatdar - member
 - (c) Education Inspector - member Secretary
 - (d) If deemed fit by the Committee, a Principal of the local Secondary School or local education expert may be called as an invitee-member.

B. NAGAR PALIKAS

- (a) Mamlatdar - Convener
- (b) Taluka Development Officer Member
- (c) Administrative Officer - Member Secretary
- (vii) The selection shall be made on the basis of

percentage among the PTC pass candidates

- (viii) The selected candidates will be allotted village-wise and concerned gram panchayat shall give appointments to such selected candidates.
- (ix) Such selected Balgurus will be paid by the gram/Nagar panchayat/Nagarpalika a consolidated sum of Rs. 2000/- per month and for the same the State Government shall give the educational grant to the concerned Gram/Nagar Panchayat/Nagar Palika through Administrative Officer.
- (x) When the State Government/District panchayat recruits the Primary School Teachers at that time PTC and CP.Ed. pass Balgurus shall be given priority in selection.
- (xi) In case PTC pass candidate is not available for appointment as Balguru for primary school of a particular village then the District Committee can select the candidates having educational qualification such as B.A., B.Ed. or other educational qualification such as CP.Ed.
- (xii) The life of select list is one year.

VIDHYA SAHAYAK SCHEME:

8. This Scheme has been introduced by the Government Resolution dated 11.6.1998. The Government noticed some serious infirmities in the Balguru Scheme which led to number of litigations and thus a more effective Scheme was evolved known as "Vidhya Sahayak". The Government decided to fill up more than 20,000 posts under the said Scheme. The broad features of this Scheme are thus:-

- (i). It extends to Primary Schools managed by the District Panchayats, authorised Nagar Palikas, Maha Nagar Palikas
- (ii) Qualification - P.T.C.
- (iii) Age 18 to 28 years
- (iv) Appointments shall be made by the District Primary Education Officer/Administrative Officer by giving advertisement in the local newspaper at the district level.

(v). Constitution of Selection Committee:

(A) District Level - District Education Committee

(a) Chairman of the District Education Committee

(b) Principal of District Education and Training Department

(c) District Education Officer

(d) District Primary Education Officer Member Secretary

(Quorum: At least two members shall be present in the Selection Committee)

(B) Maha Nagar Palika / Nagar Palika -

(a) The Chairman of Nagar Primary Education Committee

(b) District Education Officer

(c) Administrative Officer, Nagar Primary Education Committee - Member Secretary

(Quorum: At least two members shall be present in the Selection Committee)

(vi) The selection shall be made from the trained candidates on the basis of merits of percentage which shall be done by computerised method. The criteria provided is 40% marks from the marks obtained in SSC and 60% from marks obtained in PTC - details have been given for equivalent qualifications

(vii) Reservation as per the Government policy

(viii) Life of the Select list shall be one year.

(ix) Vidhya Sahayaks will be paid consolidated salary of Rs. 2500/- per month

(x) DURATION AND METHOD OF ABSORPTION AS PRIMARY SCHOOL TEACHER:

Duration provided is of two years. On

satisfactory completion of this period, Vidhya Sahayaks step by step will be absorbed on the post of Primary Teacher in regular pay scale on the posts falling vacant on account of retirement of teachers every year.

The Scheme assures outer limit of absorption of such Vidhya Sahayakas in the regular pay scale as a Primary Teachers latest by end of five years.

(xi) SAVING OF BALGURU SCHEME

(a) Where advertisement has been given for Balguru but interviews have not taken place the procedure shall be made as per the Vidhya Sahayak Scheme and the applications shall be invited.

(b) In case where appointment of Balgurus has been made in the Districts under the Balguru Scheme, a joint merit list of Balgurus appointed taluka-wise shall be prepared at the District level and the orders for regularising them as Vidhya Sahayaks shall be made by the District Primary Education Officer. Such Vidhya Sahayaks shall be entitled to get a consolidated salary of Rs. 2500/- per month with effect from 1.7.1998. They will also be entitled to benefit of absorption as provided under para 8 of the Scheme.

(c) In case where the list is ready after interview for Balguru, the appointments have not been given the list shall be called at the district level and they will be appointed as Vidhya Sahayaks in order of merit at District Level.

(d) In case the order for appointment for Balgurus has been issued but due to stay of the court, candidates are not allowed to resume in such cases necessary proceedings shall be made subject to final orders of the court.

CONTENTIONS:

9. Mr. Haroobhai Mehta, Sr. advocate appearing for the petitioner in Spl. Civil Application No. 5218 contends that the petitioners who have been selected by regular selection but have legitimate expectation of being appointed as Primary School Teachers and they cannot be uprooted for accommodating others. He relies on the decision of the apex court in Supreme Court Advocates on record Association Vs. Union of India reported in 1993(4) SCC 701 at 703 wherein it is held that consideration of legitimate expectation in the decision making process is requirement of rule of non-arbitrariness. He relies on a decision of the apex court in Gujarat State Deputy Executive Engineer reported in 1994 Supp. (2) SCC 591 and submits that the court has power to give direction to operate the select list for the vacancies available at the time of interview. Thus the submission of Mr. Mehta is that the petitioners who have been selected in the year 1992 have a legitimate expectation of being appointed as Primary School Teachers against vacancies of Hindi Teachers as it existed in the year 1992. He also submits a direction as given in the case of Gujarat State Deputy Executive Engineer (supra) to operate the select list deserves to be given in the instant case as well. Challenging the Balguru Scheme and Vidhya Sahayak Scheme it is contended by the learned counsel that instrumentality and modality of the selection and the duties are the same of Balguru or Vidhya Sahayak as is of a teacher under the Bombay Primary Education Act. By changing the nomenclature the teachers who are entitled to regular pay scale as provided under the Bombay Primary Education Act cannot be denied the same by providing consolidated salary of Rs. 2000/- or Rs. 2500/- per month. He submits the Scheme is in violation of Articles 14 and 16 of the Constitution of India. He has referred to the provisions of Section 23 and 23(4) of the Act and also Rule 37 of the Bombay Primary Education Rules. He also submits that if the Government Resolution is allowed to operate similar Scheme can be implemented by appointing half pay doctors or half pay medical graduates would be required to work as physicians along with fully paid physicians and surgeons. If such pernicious precedents are followed in other field like judiciary, Revenue and so on it will really create discontent in the field of social life and administration. He submits that it is in the interest of the public that the present scheme masculated as Vidhya Sahayak which is nothing but a scheme for exploitation of teaching workers are nipped in the bud.

10. Mr. Pujara adopting the contention of Mr. Mehta in addition submits that it is not open for the State

Government to create a separate cadre of Balguru/Vidhya Sahayaks by executive direction which runs contrary to the statutory provision of the Bombay Primary Education Act and the Rule. He has pointed out number of infirmities in the process of selection of Balgurus. He submits that almost a chaos has been created as by and large an impression has been made as it is only the candidates of the talukas who are eligible for appointment in the talukas where the advertisement has been made. He submits that the Scheme also provides for advertisement in the newspaper which has a circulation in the taluka. He has cited instances where the application sent to different talukas were not accepted and they were returned on the ground that applicants were outsiders of taluka. He has produced certain envelopes of Mandvi and Kachchh. He submits that these allegations have not been rebutted by the State Government. So far as the panchayat is concerned, the only say is that they have acted under the instructions of the State Government. He has referred to the speeches as appeared in the newspaper of the then Hon'ble Chief Minister and Education Minister where they have very categorically stated that under the Scheme the appointment will be given as Balgurus in a particular taluka only to a resident of that taluka. The result is that in certain talukas while the application of the candidates from outside the talukas are not accepted in certain talukas such applications have been accepted and appointments have been made of the persons outside the talukas. Contentions have been raised with respect to illegalities committed in applying reservation policy. A serious grievance has also been made in the matter of calculation of vacancies and further filling of them by transferring the Primary School Teachers.

11. Mr. Panchal appearing for the petitioner in one of the petitions relying on the decision of the apex court reported in 1995(4) SCC 507 para 12 and 15 submits financial constraints cannot come in a way in appointing the the Regular Primary School Teachers.

On the other hand Mr. P.G. Desai, learned P.P. has read before me the Preamble of the Scheme and submitted that the purpose is to meet with the problem of unemployment among trained PTC teachers. He further submits that the Scheme is in consonance with the Articles 41, 45 and 46 of the Constitution of India. He referred to the apex court decision in Mohini Jain Vs. State of Karnataka reported in AIR 1992 SC 1858 when it is held that right to education is in concomitant to the fundamental enshrined under Part III of the Constitution. He has provided various statistics referring to the

object provisions to which I have given reference in earlier part of the order showing the seriousness of the Government in giving priority to the Primary Education. He further submits that there can be no difficulty in giving statutory status to the present scheme. Such a beneficial scheme cannot be struck down only for such technical reason. Relying on the decision reported in 1998(1) SCC 487 and 1998(2) SCC 332 he submits that mere empanalment does not give right to appointment.

13 Learned counsel appearing for different panchayats, Nagarpalikas and Maha Nagar Palikas have tried to explain the infirmities in the respective schemes.

CONSIDERATION:

14. I have given thoughtful and anxious consideration to the rival contentions. The problem is complex. So far as the 'Balguru' Scheme is concerned, I do not find any substance in the complaint that confusion was created as to whether the selection at Taluka level was to be made only from the residents of particular Taluka for which the advertisement was issued. The Scheme, does say for advertisement within Taluka, but does not prohibit appointments of non-resident of the Taluka. No reliance can be placed on the statement of the Ministers reported in the Newspapers. They are not party to writ petition to admit or refute the allegations. There is no material to show that the applications were rejected on the ground of non-resident of Taluka. Two instances of Talukas Mandvi and Kutch has been cited but concerned officers are not party in the petition. Even few such instances will not make the entire scheme illegal, so as to quash the same. Some of the other defects have been covered by Vidhya Sahayak Scheme and appropriate protection has been given. So far as the grievance of the petitioners who are in the select list of 1989-92 is concerned, because of economic ban, they were not given appointment. In view of the settled legal position of law, no direction can be given to fill up the vacancies by operating the said select list. It is of course true, as held in Mohini Jain's case (1992(3) SCC 666) and the observation of the apex court in Unnikrishnan's case (1993 (1) SCC 643) that the right of Education flows directly from right to life and as such, the plea of financial constraints in such case is untenable. Reference can be made to judgement of the apex court in State of H.P. Vs. H.P. State Recognised and Aided School Managing Committees and other reported in 1995(4) SCC 507. The problem needs a pragmatic approach to solve it. The

subject schemes are not substitution of Scheme of appointment of Primary School Teachers under the Act of 1947, but effort is being made to meet the exigencies of situation, to achieve the Constitutional obligation. There is reflection of seriousness towards the fulfilling the obligation from the steps taken and budgetary provision made as referred in the earlier part of this order. The Vidhya Sahayak Scheme intends to provide teachers to all Primary School and also provide employment to unemployed P.T.C. pass, in the existing situation is in larger public interest, and as such it cannot be said to be unfair. It is also to be born in mind that the incumbents have studied only upto S.S.C. and undergone one year training of P.T.C. They are in age group of 18 to 26 years. The government

has promised to give appointment to all the selected or absorbed Vidhya Sahayaks within five years. The selection for Vidhya Sahayaks is through by open invitation of application at District Level and on merit by computerised system. Such a Scheme also needs to accommodate persons on 'select list' awaiting appointment as Primary School Teachers for years. The doctrine of legitimate expectation can be pressed into service at least to the extent of consideration of their case in positive sense, for appointment as Vidhya Sahayak. The question of age can be taken care by following the course adopted by the apex court in the case of Dr. Surinder Singh Vs. State of J & K reported in AIR 1996 SC 2775, while giving direction for regularisation of service. Dealing with the question of age bar the court directed thus:-

"It is obvious that appellants have become barred by age for direct recruitment. It would therefore be necessary that the State Government would relax the necessary age, qualification so as to enable them to apply for and seek recruitment through PSC".

It is pointed out that number of such persons on 'select list' is 2553.

CONSENSUS:

15. Thus effort was made to evolve consensus to deal with the problem. There is positive response from one and all. Mr. P.G. Desai, learned Government Pleader has placed on record copy of the letter dated 1.8.1998, from the Department of Education, Government of Gujarat, informing the following decisions taken by the

Government, on consideration of suggestion made during the course of hearing of the present Special Civil Applications.

- "(1) Government will get details from District Education Committees and Nagar Shikshan Samitis regarding select list of teachers prepared during the period 1989-1996, and Government is agreeable to consider them if they apply for the same.
- (2) In case of Balgurus who were interviewed and select list were prepared but appointments not given, Government will implement provision of para 12 of GR dated 11.6.1998. Government is agreeable not to operate the select list of Balgurus, if the High Court so directs. Orders of Balgurus who were appointed but did not resume their duties can also be cancelled.
- (3) Government is agreeable to form a Committee at State level under the Chairmanship of Deputy Director of Primary Education which can meet every week and give decisions on routine matters arising out of appointment of Vidhya Sahayaks so that the candidates do not have to approach Hon'ble High Court for administrative problems.
- (4) Government will not make any appointments of Vidhya Sahayaks till the court permits."

DIRECTIONS:

16. Considering all facts and circumstances of the case the following directions are given:-

- (1) The State Government is directed to suitably modify Vidhya Sahayak Scheme to incorporate provision, with a view to accommodate the candidates in the select list of District Education Committees and Nagar Shikshan Samitis with a view to consider them for appointment as 'Vidhya Sahayaks'. Appropriate provisions shall be made for relaxation of age limit.
- (2) The Government shall constitute a single member or multi member Committee as it deems proper, at the State level under the Chairmanship of the Officer not below the rank of Special Secretary or Joint Secretary, to deal with and take effective decision on the complaints with respect to implementation of the 'Vidhya Sahayak Scheme'.

The Committee will meet at least once a week at the Scheduled time and place to hear such complaints. Directions given by such Committee will be of binding nature on all concerned. The Committee will not necessarily require to follow rigid procedure except following the principle of natural justice to the extent possible. The Committee will also monitor effective implementation of the Vidhya Sahayak Scheme so as to ensure that the entire process of appointment is complete by the end of September, 1998, time already fixed by the Government. It will be open for the Committee to adopt appropriate strategies to achieve the object including issuing oral instructions and collecting oral information depending upon the exigencies. The life of the Committee shall be initially for a period of three months from the date of its constitution.

- (3) All the Civil Courts in the State of Gujarat are restrained from entertaining any suit and/or granting injunction in the matter of appointment of Vidhya Sahayaks, for a period ending 31.3.1999.
- (4) The remedy before the said Committee shall be considered as an effective alternative remedy for the purpose of petition before this court under Article 226 or 227 of the Constitution of India.
- (5) The respondents will also provide the life of the select list.
- (6) While determining the vacancies, future vacancy shall not be included and they will be left for the next year's selection.
- (7) Appropriate publicity shall be given with respect to the constitution of the Committee and amendment of Vidhya Sahayak Scheme with respect to the provisions for appointment from the select list of 1989-1996 referred to above.
- (8) The validity of 'Balguru' as well as 'Vidhya Sahayak' Schemes has been considered in this group of Special Civil Application and therefore it will not be open for any party to raise any contention in that regard before the said Committee.
- (9) No appointment under 'Vidhya Sahayak Scheme'

shall be made till such a clearance is given by the Committee referred to above. The Committee before giving such direction will wait for a reasonable time so that if anybody has any grievance the same may be considered by the Committee.

(10) The petitioners in each petition are relegated to the remedy before the Committee referred to above.

(11) Rule made partly absolute in each Special Civil Application to the aforesaid extent.

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